

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CURTIS J. COTTON,

Defendant.

4:09CR3106

MEMORANDUM AND ORDER

This matter is before the Court on a letter filed by defendant Curtis J. Cotton, styled as a motion for credit for time served (filing [47](#)). The Court will construe the letter as a motion for miscellaneous relief and finds that the motion should be denied.

On May 27, 2010, Cotton was sentenced to 60 months' imprisonment by Senior Judge Warren K. Urbom (filing [43](#)), after pleading guilty to bank robbery in violation of [18 U.S.C. § 2113\(a\)](#). Judge Urbom recommended to the United States Bureau of Prisons (the "BOP") that Cotton be given credit for time served from October 7, 2009 to December 16, 2009. Filing [43](#), at 2. Cotton states that he has not received credit for this time, and asks the Court to review the BOP's credit determination. Filing [47](#), at 1–3.

This Court lacks the authority to grant the relief Cotton requests. Computation of a federal sentence and credit for time served are governed by [18 U.S.C. § 3585](#). District courts are not authorized to award credit at sentencing. [18 U.S.C. § 3585\(b\)](#); *United States v. Wilson*, 503 U.S. 329, 332–35 (1992). Rather, as in the present case, the district court is limited to making a recommendation to the BOP. See filing [43](#), at 2. The Attorney General, through the BOP, has the exclusive authority to compute and apply credit for time served. *Wilson*, 503 U.S. at 335.

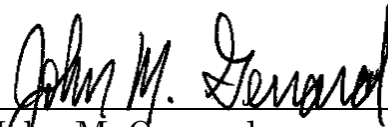
Prisoners may seek administrative review of the BOP's credit determination. *Id.* at 335; see also [28 C.F.R. §§ 542.10–19](#). Only after exhausting their administrative remedies may prisoners seek judicial review. See, *Wilson*, 503 U.S. at 335; *United States v. Bayless*, 940 F.2d 300, 304–305 (8th Cir. 1991). Defendant has not alleged that he has exhausted his administrative remedies. Accordingly, the Court lacks the authority to review this matter, and Cotton's motion will be denied.

THEREFORE, IT IS ORDERED:

1. Defendant's motion (filing [47](#)) is denied; and
2. The Clerk is directed to mail a copy of this order to the defendant at his last known address.

Dated this 12th day of June, 2012.

BY THE COURT:



John M. Gerrard
United States District Judge